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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,570	08/26/2003	Rafael J. Cobo	CE11841JME	5949

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Larry G. Brown
Motorola, Inc.
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EXAMINER

MACARTHUR, VICTOR L

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,570

Applicant(s)

COBO ET AL.

Examiner

Victor MacArthur

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Election

Applicant's election without traverse of Group I and claims 1-15 in the Paper filed on 12/19/2005 is acknowledged.

The examiner notes that claims 16-19 have been canceled by the applicant in the Paper filed on 12/19/2005.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the line 1 of the preamble of claim 12, it appears that the applicant does not intend to positively claim, "for an audio device", such that the "audio device" is merely intended to be used with the "plate". For purposes of examination, the examiner has considered claim 8 without combination. Furthermore, the positive recitation of "the audio device" (line 8 of claim 12) renders the claim unclear (is the audio device being claimed or not?). Accordingly, the phrase of line 8 should be amended to conform the intended use set forth in the preamble (i.e., with language such as "adapted for", "intended to", etc.) Claim 13 depends from claim 12 and is therefore also rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Inui (U.S. Patent 5,167,465).

Claim 1. Inui discloses (fig.1) a locking system, comprising: a plate (2) having a first projection (7) and a second projection (8), wherein at least a portion (central portion of 7) of said first projection runs at least substantially along a vertical axis of said plate, said plate also including a surface area (3) for receiving a decorative image; and a base (1) having a first slot (11) and a second slot (14, 15), wherein said first slot and said second slot run at least substantially along horizontal axes (axis connecting 11 and 14) of said base; wherein said first slot detachably receives said first projection when said plate is in a first position (open position) and said second slot detachably receives said second projection as said plate is turned to a second position (closed position), wherein said first slot locks said first projection and said second slot locks said second projection when said plate is in said second position such that said plate is detachably coupled to said base.

Claim 2. Inui discloses the system according to claim 1, wherein said second slot unlocks said second projection as said plate is turned from said second position to said first position.

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Claim 3. Inui discloses the system according to claim 2, wherein said first slot unlocks said first projection when said plate is in said first position such that said plate is removable from said base.

Claim 4. Inui discloses the system according to claim 1, wherein said first projection has a center portion (5) that is at least substantially circular and at least one wing (wings of 7) that is attached to and projects away from said center portion.

Claim 5. Inui discloses the system according to claim 4, wherein said first slot includes at least one arc (arc portion of 11) that engages said center portion of said first projection and at least one extension (portion of 11 receiving wings of 7) that receives said wings of said first projection.

Claim 6. Inui discloses the system according to claim 5, wherein said base comprises a first element (1) and a second element (4 as seen in fig.3), wherein said first element is affixed to said second element, wherein said first element has a top surface (top surface of 1) and a bottom surface (bottom surface of 1 engaging 7) and said bottom surface engages said wings as said plate is turned to and stops at said second position.

Claim 7. Inui discloses the system according to claim 1, wherein said second projection includes a neck (portion of 8 attached to plate) and a head (surface of 8 furthest from 3), wherein said neck is attached to said plate and said head is attached to said neck.

Claim 8. Inui discloses the system according to claim 7, wherein said second slot includes a pair of opposing projections (arcs projecting on either side of 14), each said projection having an arc, wherein said arcs snap lock said neck of said second projection when said plate is in said second position.

Claim 10. Inui discloses the system according to claim 2, wherein said plate further comprises a handle (large cylinder portion of 2), wherein a user grasps and turns said handle when the user wishes to turn said plate from said first position to said second position and from said second position to said first position.

Claim 11. Inui discloses (fig. 1) a locking mechanism, comprising: a plate (2) having a first projection (7) and a second projection (8); and a base (1) having a first slot (11) and a second slot (14), wherein said first slot and said second slot detachably lock said first projection and said second projection to permit said plate to detachably couple said base; wherein said plate includes a surface area (surface of 3) for receiving a decorative image; wherein a user selectively detachably couples said plate to said base by turning said plate from a first position to a second position and from said second position to said first position.

Claim 12. Inui discloses a plate (2), comprising: a first surface area (planar end surface of 2); a second surface area (cylindrical surface of 3) for receiving a decorative image; a first projection (7); and a second projection (8), said first and second projections being disposed on said first surface area; wherein said first and second projections detachably engage a first slot (11) and a second slot (14) of a base (1), wherein said plate couples to the base when said first and second projections engage the first and second slots and said plate decouples from the base when said first and second projections disengage the first and second slots of the base.

Claim 13. Inui discloses the plate according to claim 12, wherein said first and second projections of said plate disengage the first and second slots of the base when said plate is turned to a first position and wherein said first and second projections engage the first and second slots when said plate is turned to a second position.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inui (U.S. Patent 5,167,465) in view of Cuniberti (U.S. Patent 6,005,950).

Claim 9. Inui discloses that the locking system should be used to improve devices that use fastening nuts since the Inui locking system requires less parts and is easier to assemble than locking systems using nuts (col.9, ll.25-30). Inui does not expressly disclose that such devices have a speaker and handle. Michel teaches that locking mechanisms using winged projections (22) (similar to that of Inui) are better-suited and less expensive for use on cell phones than other nut-type locking systems common in the art (col.1, ll.44-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Inui locking system to be used on a cell phone since the Inui locking system is less expensive and simplifies assembly over nut-type locking systems common in the art. The examiner takes official notice that it is very well known in the art that cell phones have speakers for the benefit of transmitting sound, and handles for the benefit of enabling grasping by a user.

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Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inui (U.S. Patent 5,167,465) in view of Cuniberti (U.S. Patent 6,005,950).

Claim 14. Inui discloses a base (1) of a device comprising: a first element (1) having a first slot (11) and a second slot (14); wherein said first and second slots detachably engage first (7) and second (8) projections of a plate of the audio device, wherein said base couples to the plate when said first and second slots engage the first and second projections and said base decouples from the plate when said first and second slots disengage the first and second projections of the plate. Inui does not expressly state that the device is an audio device. Inui further discloses that the this construction will improve any device that requires manipulation of a component (such as a toggle switch, push switch, rotary variable resistor, rotary variable capacitor, etc.) secured to a panel since such a device modified to adopt the Inui construction benefits by not requiring a fastening nut, which in turn reduces the number of total elements and simplifies assembly (col.9, ll.20-30). Cuniberti teaches (fig.3) a device that is an audio device (44) mounted to a first element that is panel (28) with a fastening nut (col.5, ll.25-30), wherein a second element having a speaker (col.7, ll.1-10), is attached the first element. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the Inui arrangement on an audio device such as that taught by Cuniberti for the purpose of reducing the total number of elements and simplifying assembly of such a device.

Claim 15. Inui discloses that said first and second slots of said base disengage the first and second projections of the plate when the plate is turned to a first position and wherein said first and second slots engage the first and second projections when the plate is turned to a second position.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Referring to locking systems:

Hirano U.S. Patent 3,853,414

Lascarrou U.S. Patent 4,009,507

Humble U.S. Patent 4,299,870

Pfaffinger U.S. Patent 5,368,427

Jensen U.S. Patent 5,906,031

Boyden U.S. Patent 6,301,367

Rumpp U.S. Patent 6,302,317

Swan U.S. Patent 6,698,300

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085. The examiner can normally be reached on 8:30am - 5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.


VLM
January 5, 2006



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